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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Report of the Third Committee (Part II)*

Rapporteur: Mr. Nikolai N. LEPESHKO (Belarus)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-ninth session the item entitled "Human rights questions:
(a) implementation of human rights instruments" and to allocate it to the Third Committee.

2. For the documents before the Third Committee under item 100 (a), see document A/49/610.

3. The Committee considered item 100 (a) at its 33rd, 34th, 36th, 37th, 43rd, 50th, 53rd, 55th, 57th and 64th meetings, on 16, 17, 21 and 25 November and on 1 and 13 December 1994. An account of the Committee's discussions is contained in the relevant summary records (A/C.3/49/SR. 33, 34, 36, 37, 43, 50, 53, 55, 57 and 64).

4. At the 33rd meeting, on 16 November, the Assistant Secretary-General for Human Rights made an introductory statement (see A/C.3/49/SR.33).

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* The report of the Committee on agenda item 100 will be issued in six parts, under the symbol A/49/610 and Add.1-5.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/49/L.28

5. At the 53rd meeting, on 5 December, the representative of Mexico, on behalf of Algeria, Argentina, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, Ghana, Guinea, Guinea-Bissau, Mexico, Morocco, Nicaragua, Peru, the Philippines, the Russian Federation, Senegal, Tunisia, Turkey and Uruguay, as well as Angola, the Comoros, Guatemala and the Sudan, introduced a draft resolution entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" (A/C.3/49/L.28).

6. At the 57th meeting, on 7 December, the representative of Mexico orally revised operative paragraph 4 of draft resolution A/C.3/49/L.28 by adding the words ", within existing resources," after the words "Requests the Secretary-General".

7. At the same meeting, the Committee adopted the draft resolution, as orally existed, without a vote (see para. 23, draft resolution I).

B. Draft resolution A/C.3/49/L.29

8. At its 50th meeting, on 1 December 1994, the representative of Denmark, on behalf of Australia, Austria, Canada, Chile, Costa Rica, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Morocco, the Netherlands, Nigeria, Norway, the Republic of Korea, Senegal, Slovakia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as Belgium, Latvia, New Zealand and Tunisia, introduced a draft resolution entitled "United Nations Voluntary Fund for Victims of Torture" (A/C.3/49/L.29). Subsequently, Monaco and Albania joined as sponsors of the draft resolution.

9. At the same meeting, the representative of Denmark orally revised the draft resolution as follows: operative paragraph 8, which had read:

> "8. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate and stable staffing and technical equipment to ensure the efficient management of the Fund;"

was revised to read:

> "8. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and technical equipment to ensure the efficient operation and management of the Fund;".

10. At the 57th meeting, on 7 December, the representative of Denmark further orally revised the draft resolution as follows: in operative paragraph 3, the words "Commission on Human Rights" were replaced with the words "General Assembly".

11. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 23, draft resolution II).

12. After the adoption of the draft resolution, the representative of Japan made a statement (see A/C.3/49/SR.57).

C. Draft resolution A/C.3/49/L.30

13. At the 50th meeting, on 1 December, the representative of the Netherlands, on behalf of Canada, Denmark, Finland, France, Iceland, Italy, Liechtenstein, Luxembourg, the Netherlands, Nicaragua, Nigeria, Norway, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, as well as Armenia, Austria, Chile, Hungary and New Zealand, introduced a draft resolution entitled "Report of the Committee against Torture and status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (A/C.3/49/L.30). Subsequently, Australia, Guatemala, Monaco, San Marino and the United States of America joined as sponsors of the draft resolution.

14. At the 55th meeting, on 6 December, the representative of the Netherlands orally revised the draft resolution as follows:

(a) In operative paragraph 11, the words "and developing countries that so agree" were inserted after the words "donor countries";

(b) In operative paragraph 14, the words "States parties" were replaced with the words "States which are parties to the Convention and";

15. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 23, draft resolution III).

D. Draft resolution A/C.3/49/L.31 and Rev.1

16. At the 50th meeting, on 1 December, the representative of Canada, on behalf of Australia, Austria, Canada, Costa Rica, Finland, Germany, Hungary, Iceland, Italy, Luxembourg, the Netherlands, the Philippines, Slovakia and Sweden, as well as the Czech Republic, Denmark, France, Ireland, Liechtenstein, Norway, Poland, Portugal, the Russian Federation, Spain and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights" (A/C.3/49/L.31), which read:

"The General Assembly,

"Recalling its resolution 48/120 of 20 December 1993, as well as other relevant resolutions,

"Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the

Universal Declaration of Human Rights, 1/ to promote universal respect for and observance of human rights and fundamental freedoms,

"Conscious of the importance of the effective integration of human rights into the totality of the activities of the United Nations,

"Noting that serious human rights violations are a first indication of national and international instabilities that might become a threat to international peace and security,

"Reaffirming its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, further reaffirming the importance of:

"(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

"(b) Securing sufficient financial and human resources to overcome existing difficulties with their effective functioning;

"(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

"Welcoming the conclusions and recommendations of the fifth meeting of persons chairing the human rights treaty bodies, held at Geneva from 19 to 23 September 1994, 2/

"Welcoming also the initiatives taken by a number of treaty bodies to elaborate early warning measures and urgent procedures with a view to preventing the occurrence, or recurrence, of serious human rights violations, 3/

"Expressing concern about the increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

"Expressing concern also about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights,

"Recalling the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies, held since 1988, and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 48/120,

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1/ Resolution 217 A (III).

2/ A/49/537, annex, chap IV.

3/ Ibid., para. 12.

"Taking note of the relevant paragraphs of the Vienna Declaration and Programme of Action, 4/

"Taking note also of the reports of the Secretary-General on progress achieved in enhancing the effective functioning of the treaty bodies, 5/

"Welcoming the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies,

"1. Endorses the conclusions and recommendations of the fifth meeting of persons chairing the human rights treaty bodies, held at Geneva from 19 to 23 September 1994;

"2. Welcomes the continuing efforts by the treaty bodies and the Secretary-General, within their respective spheres of competence, aimed at streamlining, rationalizing and otherwise improving reporting procedures;

"3. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures;

"4. Urges the treaty bodies to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States, including through:

"(a) Identifying where cross-referencing can be used in report writing;

"(b) Recommending designating specific national administrative units to coordinate reports to all treaty bodies;

"(c) Establishing coordination between the treaty bodies and the International Labour Organization to identify overlap between respective instruments and conventions;

"(d) Considering the utility of single comprehensive reports and of replacing periodic reports with specifically tailored reports and thematic reports;

"5. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies and by the Commission on Human Rights on the importance of technical assistance and advisory services and, further to this end:

4/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

5/ A/44/539, A/46/503, A/48/508 and Corr.1 and A/49/537.

"(a) Requests that the High Commissioner for Human Rights report regularly to the Commission on possible technical assistance projects identified by the treaty bodies;

"(b) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of State parties;

"(c) Invites States parties which have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

"6. Urges States parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

"7. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

"8. Invites the specialized agencies and other United Nations bodies and the human rights treaty bodies to develop effective means for further cooperation between them, bearing in mind the responsibilities of the High Commissioner for Human Rights;

"9. Invites the High Commissioner for Human Rights to consult the human rights treaty bodies in regard to his efforts to promote cooperation with regional intergovernmental organizations for the promotion and protection of human rights;

"10. Welcomes the emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be closely monitored by each treaty body within the competence of its mandate, and endorses the recommendation by the chairpersons that each treaty body consider amending its reporting guidelines to request gender-specific information from States parties;

"11. Encourages each of the treaty bodies to examine the possibility of changing its working methods or amending its rules of procedure to allow non-governmental organizations to participate more fully in its activities;

"12. Endorses the recommendations of the meetings of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

"(a) Reiterates its request that the Secretary-General provide adequate resources in regard to the various treaty bodies;

"(b) Requests that the Secretary-General report on this question to the Commission on Human Rights at its fifty-first session and to the General Assembly at its fiftieth session;

"13. Urges States parties to notify the Secretary-General, as depository of the International Convention on the Elimination of All Forms of Racial Discrimination 6/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 7/ of their acceptance of the amendments approved by the States parties, and by the General Assembly in its resolution 48/120, for the purpose of funding the respective committees from the regular budget;

"14. Calls upon all States parties to fulfil without delay and in full their financial obligations, including their arrears, under the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment until the amendments enter into force;

"15. Requests the Secretary-General to continue to take the necessary measures to ensure that the two committees established under the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment meet as scheduled until the amendments enter into force;

"16. Endorses the recommendation by the meeting of persons chairing the human rights treaty bodies that the Committee on the Elimination of Discrimination against Women be allocated additional meeting time until the backlog of pending reports has been eliminated, and that the Secretary-General allocate sufficient resources to the Committee; 8/

"17. Requests the High Commissioner for Human Rights to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

"18. Welcomes the recommendation by the meeting of persons chairing the human rights treaty bodies that treaty bodies urge the States parties to translate, publish, and make available to the media the full text of the concluding observations on their reports to the treaty-monitoring bodies, 9/ and requests the High Commissioner for Human Rights to ensure that recent reports and the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

"19. Invites the Department of Public Information of the United Nations Secretariat to publish at the end of each year, as a separate

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6/ Resolution 2106 A (XX), annex.

7/ Resolution 39/46, annex.

8/ A/49/537, annex, paras. 49-50.

9/ Ibid., para. 44.

volume, a compilation of all concluding observations adopted during that year by treaty bodies;

"20. Requests the High Commissioner for Human Rights to ensure that the United Nations Manual on Human Rights Reporting is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fifth meeting of the persons chairing the human rights treaty bodies; 10/

"21. Endorses the recommendations by the meeting of persons chairing the human rights treaty bodies that the Security Council give increased attention to violations of human rights, which are a first indication of national and international instabilities and a threat to peace, and that the information provided by treaty bodies be taken into consideration by the Council when deciding on a course of action; 11/

"22. Welcomes the recommendation by the meeting of persons chairing the human rights treaty bodies that the treaty bodies take all appropriate measures in response to situations of serious human rights violations, including bringing those violations to the attention of the High Commissioner for Human Rights as well as the Secretary-General and the competent organs and bodies of the United Nations, including the Security Council, 12/ requests that the Secretary-General meet with the High Commissioner for Human Rights and the persons chairing the human rights treaty bodies in 1995 to discuss the role of the treaty bodies in this regard, and further requests the Secretary-General to report to the General Assembly at its fiftieth session on the meeting;

"23. Requests the Secretary-General to take the appropriate steps in order to finance, as of 1995, annual meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations;

"24. Decides to continue giving priority consideration, at its fiftieth session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled 'Human rights questions'."

17. At the same meeting, the representative of Canada orally revised the draft resolution, as follows:

(a) In the sixth preambular paragraph, the word "Welcoming" was replaced with the words "Taking note of";

10/ Ibid., para. 57.

11/ Ibid., para. 28.

12/ Ibid., para. 27.

(b) In operative paragraph 1, the word "Endorses" was replaced with the word "Welcomes";

(c) In operative paragraph 2, the word "also" was inserted between the words "Welcomes" and "the";

(d) In operative paragraph 4 (b), the word "designating" was replaced with the words ", where appropriate, the designation of";

(e) In operative paragraph 13, the words "for the purpose of funding the respective committees from the regular budget" were deleted;

(f) In operative paragraph 16, the words "from the existing regular budget of the United Nations" were inserted after the words "sufficient resources";

(g) Operative paragraph 17 was revised to read:

"17. Requests the United Nations High Commissioner for Human Rights, acting within his mandate set out in General Assembly resolution 48/141 of 20 December 1993, to ensure the preparation of an inventory of all international human rights standard-setting activities, from within existing resources, in order to facilitate better-informed decision-making;"

(h) In operative paragraph 19, the words ", from within existing resources," were inserted after the words "at the end of each year";

(i) In operative paragraph 20, the words ", from within existing resources," were inserted after the words "to ensure";

(j) Paragraph 21 was deleted and the subsequent paragraphs were renumbered.

18. At the 64th meeting, on 13 December, the Committee had before it a revised draft resolution (A/C.3/49/L.31/Rev.1), submitted on behalf of the sponsors of draft resolution A/C.3/49/L.31, now joined by Argentina, Bulgaria, New Zealand, Romania and the United States of America.

19. At the same meeting, the representative of Canada orally revised draft resolution A/C.3/49/L.31/Rev.1 as follows:

(a) The third preambular paragraph was revised to read:

"Conscious of the importance of coordination of human rights promotion and protection activities of United Nations bodies whose activities deal with human rights,"

(b) The fourth preambular paragraph was deleted;

(c) In the former seventh preambular paragraph, the words "Welcoming also" were replaced with the words "Noting with appreciation";

(d) The former tenth preambular paragraph was revised to read:

"Recalling the reports of the meetings of persons chairing the human rights treaty bodies from 1988 to 1993 and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 48/120,"

(e) Operative paragraph 1 was revised to read:

"1. Welcomes the submission of the report of the persons chairing the human rights treaty bodies of their fifth meeting, held at Geneva from 19 to 23 September 1994, and takes note of their conclusions and recommendations";

(f) Operative paragraph 11 was deleted and replaced with a new operative paragraph which read:

"11. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments";

(g) In operative paragraph 16, the word "Endorses" was replaced with the words "Takes note of";

(h) Operative paragraph 21 (formerly para. 22 of A/C.3/49/L.31) was revised to read:

"21. Welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, as well as the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within his mandate, to coordinate and consult throughout the United Nations system in this regard";

20. At the same meeting, the Committee adopted draft resolution A/C.3/49/L.31/Rev.1, as orally revised, without a vote (see para. 23, draft resolution IV).

21. After the adoption of the draft resolution, statements were made by the representatives of Brazil, Japan, India and Cuba (see A/C.3/49/SR.64).

E. Draft decision

22. At its 67th meeting, on 14 December, on the proposal of the Chairman, the Committee adopted, without a vote, a draft decision by which the General Assembly would take note of documents considered under item 100 (a) (see para. 24).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

23. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and standards set forth in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 13/ the International Covenants on Human Rights, 14/ the International Convention on the Elimination of All Forms of Racial Discrimination, 15/ the Convention on the Elimination of All Forms of Discrimination against Women 16/ and the Convention on the Rights of the Child, 17/

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and to ensure the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that in the Vienna Declaration and Programme of Action, 18/ adopted by the World Conference on Human Rights, all States are urged to

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13/ Resolution 217 A (III).

14/ Resolution 2200 A (XXI), annex.

15/ Resolution 2106 A (XX), annex.

16/ Resolution 34/180, annex.

17/ Resolution 44/25, annex.

18/ Report of the World Conference on Human Rights, Vienna, 14 to 25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, in which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that in the Vienna Declaration and Programme of Action States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 48/148 of 20 December 1993, it requested the Secretary-General to submit to it at its forty-ninth session a report on the status of the Convention,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. Welcomes the signature or ratification of, or accession to, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;

3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

4. Requests the Secretary-General, within existing resources, to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. Invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Takes note of the report of the Secretary-General 19/ and requests him to submit to it at its fiftieth session an updated report on the status of the Convention;

19/ A/49/405.

7. Decides to consider the report of the Secretary-General at its fiftieth session under the sub-item entitled "Implementation of human rights instruments".

DRAFT RESOLUTION II

United Nations Voluntary Fund for Victims of Torture

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, 20/ which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 21/

Reaffirming the importance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 22/

Welcoming the recommendation in the Vienna Declaration and Programme of Action 23/ that providing necessary resources for assistance to victims of torture should be given high priority, inter alia, by additional contributions to the United Nations Voluntary Fund for Victims of Torture,

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims of torture in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Alarmed at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and members of their families,

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20/ Resolution 217 A (III).

21/ Resolution 3452 (XXX), annex.

22/ Resolution 39/46, annex.

23/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

Taking note of the report of the Secretary-General, 24/

Noting the actions by the Secretary-General, through the staff of the Centre for Human Rights of the Secretariat, to assist the Board of Trustees of the Fund in its efforts to increase public awareness of the Fund and its humanitarian work,

Recalling the statement by the Board of Trustees of the Fund on the need to receive contributions from Governments on a regular basis, which, inter alia, would prevent the interruption of programmes in the continuation of which the Fund plays an instrumental role,

Taking account of the fund-raising campaign launched on the recommendation of the Board of Trustees of the Fund at its eleventh session, held from 22 April to 1 May 1992, to enhance the capacity of the Fund to respond more favourably to the increasing number of requests for assistance to victims of torture,

Taking account also of the increasing number of projects and the repeated requests by the Board of Trustees of the Fund to have adequate staff for the operations of the Fund,

Noting with satisfaction the establishment of an international network of centres for the rehabilitation of torture victims, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

1. Expresses its gratitude and appreciation to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

2. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis and annually before the meeting of the Board of Trustees of the Fund and if possible also with a substantial increase in the number and level of contributions in order to take into consideration the ever-increasing demand for assistance;

3. Requests the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund;

4. Expresses its appreciation to the Governments that pledged a contribution to the Fund at the 1994 United Nations Pledging Conference for Development Activities;

5. Requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

24/ A/49/484 and Add.1.

6. Expresses its appreciation to the Board of Trustees of the Fund for the work it has accomplished;

7. Renews its request to the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions;

8. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and technical equipment to ensure the efficient operation and management of the Fund;

9. Also requests the Secretary-General to report to the General Assembly at its fiftieth session on the operations of the United Nations Voluntary Fund for the Victims of Torture.

DRAFT RESOLUTION III

Report of the Committee against Torture and status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, 25/ and article 7 of the International Covenant on Civil and Political Rights, 26/ both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975 and contained in the annex to that resolution,

Recalling further its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, contained in the annex to that resolution, and called upon all Governments to consider signing, ratifying and acceding to the Convention as a matter of priority, its subsequent resolutions on the status of the Convention, most recently its resolution 47/113 of 16 December 1992, and its decisions 46/428 and 46/430 of 17 December 1991, as well as the Commission on Human Rights

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25/ Resolution 217 A (III).

26/ See resolution 2200 A (XXI), annex.

resolutions on the subject, most recently resolution 1994/38 of 3 March 1994, 27/

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials 28/ and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, 29/

Recalling the adoption of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 30/

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world, and concerned by the stagnation in the number of ratifications to the Convention received during the past year,

Determined to promote the full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling Commission on Human Rights resolution 1992/32 of 28 February 1992, 31/ in which the Commission decided to extend for three years the mandate of the Special Rapporteur to examine questions relevant to torture,

Noting with appreciation the activities of the open-ended working group of the Commission on Human Rights, while expressing its concern at the pace of its progress in elaborating a draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

1. Commends the Committee against Torture for its excellent report 32/ in its modified presentation and for the improvement in its working methods;

27/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

28/ Resolution 34/169, annex.

29/ Resolution 37/194, annex.

30/ Resolution 43/173, annex.

31/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

32/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 44 (A/49/44).

2. Notes the status of submission of reports by States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 33/

3. Emphasizes the importance of the strictest compliance by States parties with their obligations under the Convention;

4. Urges all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

5. Encourages the open-ended working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention against Torture to intensify its deliberations with a view to an early conclusion of its work;

6. Stresses the importance of strict adherence by States parties to their obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and urges States parties whose arrears predate the provisions made by the Secretary-General for financing the Committee against Torture from the regular budget to fulfil their obligations forthwith;

7. Invites States parties to consider contributing to the United Nations Voluntary Fund for Victims of Torture as a gesture reflecting the determination of States to promote human rights;

8. Welcomes the attention that the Committee against Torture has given to the development of an effective system of reporting on the implementation of the Convention by States parties, and especially its revision of its general guidelines for the submission of reports by States parties, as well as its practice of formulating concluding observations after the consideration of such reports;

9. Commends the Centre for Human Rights of the Secretariat for the advisory services and technical assistance it provides to States, at their request, in preparing national reports to the Committee;

10. Welcomes the continuing close contacts and exchange of information, reports and documents between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture;

11. Invites donor countries and developing countries that so agree to consider the inclusion in their bilateral development cooperation of programmes and projects relating to the training of armed forces and police personnel in matters relating to the protection of human rights and the prevention of torture;

33/ Ibid., annex III.

12. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

13. Urges all States that have not yet done so to become parties to the Convention as a matter of priority;

14. Invites all States ratifying or acceding to the Convention and those States which are parties to the Convention and which have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention, and to consider the possibility of withdrawing their reservations to article 20;

15. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-first session and to the General Assembly at its fifty-first session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

16. Decides to consider the reports of the Secretary-General and the Committee against Torture at its fifty-first session under the sub-item entitled "Implementation of human rights instruments".

DRAFT RESOLUTION IV

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 48/120 of 20 December 1993, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, 34/ to promote universal respect for and observance of human rights and fundamental freedoms,

Conscious of the importance of coordination of human rights promotion and protection activities of United Nations bodies whose activities deal with human rights,

Reaffirming its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, also reaffirming the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

34/ Resolution 217 A (III).

(b) Securing sufficient financial and human resources to overcome existing difficulties with their effective functioning;

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Taking note of the conclusions and recommendations of the fifth meeting of persons chairing the human rights treaty bodies, held at Geneva from 19 to 23 September 1994, 35/

Noting with appreciation the initiatives taken by a number of treaty bodies to elaborate early warning measures and urgent procedures with a view to preventing the occurrence, or recurrence, of serious human rights violations, 36/

Expressing concern about the increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing concern also about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights,

Recalling the reports of the meetings of persons chairing the human rights treaty bodies from 1988 to 1993 and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 48/120,

Taking note of the relevant paragraphs of the Vienna Declaration and Programme of Action, 37/

Taking note also of the reports of the Secretary-General on progress achieved in enhancing the effective functioning of the treaty bodies, 38/

Welcoming the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies,

1. Welcomes the submission of the report of the persons chairing the human rights treaty bodies of their fifth meeting, held at Geneva from 19 to 23 September 1994, and takes note of their conclusions and recommendations; 35/

35/ A/49/537, annex, chap. IV.

36/ Ibid., para. 12.

37/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

38/ A/44/539, A/46/503, A/48/508 and Corr.1 and A/49/537.

2. Welcomes also the continuing efforts by the treaty bodies and the Secretary-General, within their respective spheres of competence, aimed at streamlining, rationalizing and otherwise improving reporting procedures;

3. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures;

4. Urges the treaty bodies to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States, including through:

(a) Identifying where cross-referencing can be used in report writing;

(b) Recommending, where appropriate, the designation of specific national administrative units to coordinate reports to all treaty bodies;

(c) Establishing coordination between the treaty bodies and the International Labour Organization to identify overlap between respective instruments and conventions;

(d) Considering the utility of single comprehensive reports and of replacing periodic reports with specifically tailored reports and thematic reports;

5. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies and by the Commission on Human Rights on the importance of technical assistance and advisory services and, further to this end:

(a) Requests that the United Nations High Commissioner for Human Rights report regularly to the Commission on possible technical assistance projects identified by the treaty bodies;

(b) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of State parties;

(c) Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

6. Urges States parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

7. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

8. Invites the specialized agencies and other United Nations bodies and the human rights treaty bodies to develop effective means for further cooperation between them, bearing in mind the responsibilities of the United Nations High Commissioner for Human Rights;

9. Invites the United Nations High Commissioner for Human Rights to consult the human rights treaty bodies in relation to his efforts to promote cooperation with regional intergovernmental organizations for the promotion and protection of human rights;

10. Welcomes the emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be closely monitored by each treaty body within the competence of its mandate, and endorses the recommendation by the chairpersons that each treaty body consider amending its reporting guidelines to request gender-specific information from States parties;

11. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments;

12. Endorses the recommendations of the meetings of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in relation to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the Commission on Human Rights at its fifty-first session and to the General Assembly at its fiftieth session;

13. Urges States parties to notify the Secretary-General, as depository of the International Convention on the Elimination of All Forms of Racial Discrimination 39/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 40/ of their acceptance of the amendments approved by the States parties, and by the General Assembly in its resolution 48/120;

14. Calls upon all States parties to fulfil without delay and in full their financial obligations, including their arrears, under the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment until the amendments enter into force;

15. Requests the Secretary-General to continue to take the necessary measures to ensure that the two committees established under the International Convention on the Elimination of All Forms of Racial Discrimination and the

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39/ Resolution 2106 A (XX), annex.

40/ Resolution 39/46, annex.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment meet as scheduled until the amendments enter into force;

16. Takes note of the recommendation by the meeting of persons chairing the human rights treaty bodies that the Committee on the Elimination of Discrimination against Women be allocated additional meeting time until the backlog of pending reports has been eliminated, and that the Secretary-General allocate sufficient resources from the existing regular budget of the United Nations to the Committee; 41/

17. Requests the United Nations High Commissioner for Human Rights, acting within his mandate set out in General Assembly resolution 48/141 of 20 December 1993, to ensure the preparation of an inventory of all international human rights standard-setting activities from within existing resources, in order to facilitate better-informed decision-making;

18. Welcomes the recommendation by the meeting of persons chairing the human rights treaty bodies that treaty bodies urge the States parties to translate, publish, and make available to the media the full text of the concluding observations on their reports to the treaty-monitoring bodies, 42/ and requests the United Nations High Commissioner for Human Rights to ensure that recent reports and the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

19. Invites the Department of Public Information of the Secretariat to publish at the end of each year, from within existing resources, as a separate volume, a compilation of all concluding observations adopted during that year by treaty bodies;

20. Requests the United Nations High Commissioner for Human Rights to ensure, from within existing resources, that the United Nations Manual on Human Rights Reporting is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fifth meeting of the persons chairing the human rights treaty bodies; 43/

21. Welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, as well as the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within his mandate, to coordinate and consult throughout the United Nations system in this regard;

41/ A/49/537, annex, paras. 49-50.

42/ Ibid., para. 44.

43/ Ibid., para. 57.

22. Requests the Secretary-General to take the appropriate steps in order to finance, as of 1995, annual meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations;

23. Decides to continue giving priority consideration, at its fiftieth session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

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24. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection with the item entitled "Human rights questions: (a) Implementation of human rights instruments"

The General Assembly takes note of the following documents:

(a) Report of the Human Rights Committee; 44/

(b) Report of the Committee on the Rights of the Child; 45/

(c) Report of the Secretary-General on the status of the Convention on the Prevention and Punishment of the Crime of Genocide; 46/

(d) Report of the Secretary-General on the status of the Convention on the Rights of the Child; 47/

(e) Report of the Secretary-General on the status of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment of Punishment. 48/

44/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 40 (A/49/40).

45/ Ibid., Supplement No. 41 (A/49/41).

46/ A/49/408.

47/ A/49/409.

48/ A/49/364.